

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DARNELL WILKINS	:	CIVIL ACTION
	:	
	:	
v.	:	NO. 16-5845
	:	
JAY LANE, et al.	:	
	:	

ORDER

AND NOW, this 18th day of August 2017, upon independent consideration of the November 10, 2016 Petition for Writ of *Habeas Corpus* (ECF Doc. No. 1), the July 7, 2017 Response (ECF Doc. No. 12), United States Magistrate Judge Henry S. Perkin's July 28, 2017 Report and Recommendation (ECF Doc. No. 15), it is **ORDERED**:

1. Judge Perkin's Report and Recommendation (ECF Doc. No. 15) is **APPROVED** and **ADOPTED** as the Petition is time-barred and we find no evidence of mental incompetence for equitable tolling purposes or, even if he did adduce such evidence, this alleged mental incompetence prevented him from timely pursuing his claims;

2. The Petition for Writ of *Habeas Corpus* (ECF Doc. No. 1) is **DENIED with prejudice** and **DISMISSED** without an evidentiary hearing;

3. There is no probable cause to issue a certificate of appealability; and,

4. The Clerk of Court shall **CLOSE** this case.



KEARNEY, J.